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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,716	11/10/2003	John Allen Robinson	AM100401	5638
26691	7590	06/15/2006	EXAMINER	
POTTER ANDERSON & CORROON LLP ATTN: KATHLEEN W. GEIGER, ESQ. P.O. BOX 951 WILMINGTON, DE 19899-0951			DESAI, ANAND U	
			ART UNIT	PAPER NUMBER
			1653	

DATE MAILED: 06/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/705,716	Applicant(s) ROBINSON ET AL.	
	Examiner Anand U. Desai, Ph.D.	Art Unit 1653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-88 is/are pending in the application.
- 4a) Of the above claim(s) 1-7, 13-37 and 43-88 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-12 and 38-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to Amendment filed on March 20, 2006. Claims 1-7, 13-37, and 43-88 have been previously withdrawn. Claims 8-12, and 38-42 are currently pending and are under examination.

Withdrawal of Rejections

2. The rejection of claims 8-12, and 38-42 under 35 U.S.C. 102(e) as being anticipated by Tanner et al. (US 2003/0119043 A1 (Effective filing date = November 9, 2001)) is withdrawn.

Maintenance of Rejections

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 8-12, and 38-42 are rejected under 35 U.S.C. 102(a) as being anticipated by Tanner et al. (PNAS 98(24): 13901-13906 (Nov. 20, 2001); IDS document filed March 14, 2005).

Tanner et al. disclose the deposit of nucleic acid sequences that encode the rat BAALC coding sequence with the GenBank database (See page 13901, lower right hand column, data deposition section). The rat BAALC coding sequence has 100 % identity with a nucleic acid

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sequence encoding alternative transcripts identified as SEQ ID NO: 2 and SEQ ID NO: 10. A disclosed structural polypeptide will inherently dictate a function upon the disclosed polypeptide. Therefore, the peptide that has 100% identity would be expected to possess the function currently being claimed (current application, claims 8-12, and 38-42).

See also the sequence alignment result for search with SEQ ID NO: 2 showing 100% identity.

ALIGNMENTS

RESULT 1

Q920K5_RAT

ID Q920K5_RAT PRELIMINARY; PRT; 145 AA.
AC Q920K5;
DT 01-DEC-2001, integrated into UniProtKB/TrEMBL.
DT 01-DEC-2001, sequence version 1.
DT 07-FEB-2006, entry version 15.
DE Dem-A20-4 (BAALC isoform 1-6-8).
GN Name=dem-A20-4; Synonyms=BaalC;
OS Rattus norvegicus (Rat).
OC Eukaryota; Metazoa; Chordata; Craniata; Vertebrata; Euteleostomi;
OC Mammalia; Eutheria; Euarchontoglires; Glires; Rodentia; Sciurognathi;
OC Muroidea; Muridae; Murinae; Rattus.
OX NCBI_TaxID=10116;
RN [1]
RP NUCLEOTIDE SEQUENCE.
RX PubMed=15659234; DOI=10.1111/j.1471-4159.2004.02902.x;
RA Wang X., Tian Q.B., Okano A., Sakagami H., Moon I.S., Kondo H.,
RA Endo S., Suzuki T.;
RT "BAALC 1-6-8 protein is targeted to postsynaptic lipid rafts by its N-
RT terminal miristoylation and palmitoylation, and interacts with a, but
RT not b, subunit of Ca²⁺/calmodulin-dependent protein kinase II.";
RL J. Neurochem. 92:647-659(2005).
RN [2]
RP NUCLEOTIDE SEQUENCE.
RC STRAIN=Sprague-Dawley;
RX MEDLINE=21574584; PubMed=11707601; DOI=10.1073/pnas.241525498;
RA Tanner S.M., Austin J.L., Leone G., Rush L.J., Plass C., Heinonen K.,
RA Mrozek K., Sill H., Knuutila S., Kolitz J.E., Archer K.J.,
RA Caligiuri M.A., Bloomfield C.D., de La Chapelle A.;
RT "BAALC, the human member of a novel mammalian neuroectoderm gene
RT lineage, is implicated in hematopoiesis and acute leukemia.";
RL Proc. Natl. Acad. Sci. U.S.A. 98:13901-13906(2001).

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CC -----
DR EMBL; AB073318; BAB70507.1; -; mRNA.
DR EMBL; AF371321; AAL50517.1; -; mRNA.
DR Ensembl; ENSRNOG00000004697; Rattus norvegicus.
DR RGD; 628703; Baalc.
DR InterPro; IPR009728; BAALC_N.
DR Pfam; PF06989; BAALC_N; 1.
SQ SEQUENCE 145 AA; 15475 MW; D5A27AD67456F341 CRC64;

Query Match 100.0%; Score 767; DB 2; Length 145;
Best Local Similarity 100.0%; Pred. No. 9.2e-61;
Matches 145; Conservative 0; Mismatches 0; Indels 0; Gaps
0;
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[illegible]

Response to Amendment

5. The declaration filed on April 4, 2005 under 37 CFR 1.131 has been considered but is ineffective to overcome the Tanner et al. PNAS reference.

The declaration states the amino acid sequence identified as SEQ ID NO: 4 was reduced to practice in the United States prior to the 102(e) date of corresponding Tanner et al. (US Patent Publication reference US 2003/0119043 A1) that appears to be the similar disclosure as described in the PNAS reference. The declaration does not identify either SEQ ID NO: 2 or SEQ ID NO: 10 as being reduced to practice.

Conclusion

6. No claims are allowed.

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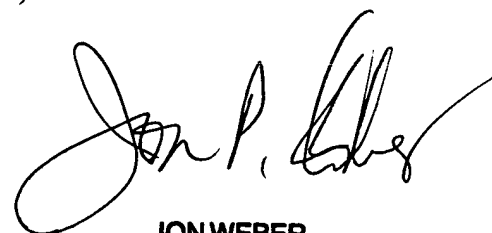
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anand U. Desai, Ph.D. whose telephone number is (571) 272-0947. The examiner can normally be reached on Monday - Friday 9:00 a.m. - 5:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jon P. Weber can be reached on (517) 272-0925. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

June 2, 2006



JON WEBER
SUPERVISORY PATENT EXAMINER